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Spanish

Ministry of Foreign Relations
Republic of Guatemala, Central America

No. II-5/Eu.10 910-98

The Ministry of Foreign Relations of the Republic of Guatemala presents its compliments to the Embassy of the United States of America and is pleased to acknowledge receipt of its note verbale No. 421 dated January 12, 1999, concerning the Agreement between the Government of the United States of America and the Government of the Republic of Guatemala regarding Security Assistance Matters and the Provision of Articles, Services, and Military Education and Training for Anti-Narcotics Purposes, which reads as follows:

[The Spanish translation of U.S. Embassy note No. 421 agrees with the original English in all substantive respects, with the following exceptions:

1. The Spanish translation omits the first three paragraphs of the U.S. note and begins on the second page with point A.
2. In para. A(I), the English appears to be jumbled: "permit any use of any articles, services or related articles, services and training under 506 Drawdown training by anyone not an officer, employee, or agent of the Government of Guatemala." The Spanish reads simply: "permit any use of the articles or services, or of the training, by anyone not an officer, employee, or agent of the Government of Guatemala."
3. In para. A(II) and (III), and elsewhere in the translation, "related" in "related training" is not expressed in the Spanish.

Embassy of the United States of America,
Guatemala City.

4. In para. B, the Spanish has dropped "services or related training" from the expression "That said articles, services or related training shall be returned to the Government of the United States of America...."

5. In para. C, the notion of "in disposing of" has been dropped in the Spanish text, nor does the expression "on a grant basis" appear in the Spanish.

6. In para. D, the Spanish text adds the expression "depending on its resources" after the second semi-colon. In addition, "the word *inspecciones* in Spanish is a typographical error for *inspeccionen*."

7. The first sentence of paragraph E in Spanish does not match the English: "That the Government of the United States, under the Section 506 Drawdown, may also provide, at any time, other articles or services, or training, related to this Agreement, in accordance with another Presidential Determination (except the United States Arms Export Control Act) subject to the terms and conditions of this Agreement."]

Furthermore, the Ministry of Foreign Relations has the honor to confirm, on behalf of the Government of the Republic of Guatemala, the terms of the above-transcribed Note and to agree that the Embassy's note and this Note shall be considered as constituting an agreement between the two governments, which shall enter into force on the date of this Note.

The Ministry of Foreign Relations of the Republic of Guatemala avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Guatemala City, February 1, 1999

[Initialed]

[Ministry stamp]

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 241

The Embassy of the United States of America presents its compliments to the Honorable Ministry of Foreign Affairs of the Republic of Guatemala.

The Embassy of the United States has the honor to refer to earlier discussions between representatives of the Governments of the United States of America and Guatemala regarding security assistance matters and the provision of articles, services and associated military education and training by the United States Government for anti-narcotics purposes.

In accordance with these discussions, the Embassy of the United States has the honor to propose, on behalf of the Government of the United States of America, that our Governments agree that the following provisions shall apply with regard to articles, services and associated training transferred to the Government of Guatemala for anti-narcotics purposes, pursuant to Presidential Determination No. 98-41 of September 30, 1998:

Embassy of the United States of America,
Guatemala, January 12, 1999.



- A. That the Government of Guatemala shall not, unless the consent of the Government of the United States of America has first been obtained:
- I) permit any use of any articles, services or related articles, services and training under 506 Drawdown training by anyone not an officer, employee or agent of the Government of Guatemala;
 - II) transfer or permit any officer, employee or agent of the Government of Guatemala to transfer articles, services or related training by gift, sale or otherwise; or
 - III) use or permit the use of articles, services or related training for purposes other than those for which delivered;
- B. That said articles, services or related training shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;
- C. That the net proceeds of sale received by the Government of Guatemala in disposing of, with prior written consent of the Government of the United States of America, any article, service or related training furnished by the Government of the United States of America on a grant basis, including scrap from any such article, service or related training, shall be paid to the Government of the United States of America;
- D. That the Government of Guatemala shall maintain the security of such articles, services or related training; that it shall provide substantially the same degree of security protection afforded to such articles, services or related training by the Government of the United States of America; that it shall, as the United States may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Guatemala; and
- E. That the Government of the United States of America may also from time to time make the provision of other articles, services or related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of this agreement. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

If your government agrees with the conditions set forth above, the Embassy of the United States proposes that this note, together with your reply stating that the foregoing is

acceptable, shall constitute an agreement between our governments on this subject, effective from the date of your reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Honorable Ministry of Foreign Affairs of the Republic of Guatemala the assurances of its highest consideration.